IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 23RD OCTOBER 2007 / 1ST KARTHIKA 1929

Crl.Rev.Pet.No. 459 of 2001()

AGAINST THE ORDER DATED 13/03/2001 IN CMP 443/2001 IN CC.1110/1997 of JUDL. MAGISTRATE OF FIRST CLASS-III, KOZHIKODE

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REVN. PETITIONER:

KOMALAM, W/O.RAMANKUTTY,
PINANGOTTUMMAL HOUSE,
CHELANNUR AMSOM OF KOZHIKODE TALUK.

BY ADV. SRI.SUNNY MATHEW

RESPONDENTS:

THE EXCISE INSPECTOR, CHELANNUR RANGE,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR, SRI C.K.SURESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 23/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL.M.P.NO.2137/2001 IN CRL.R.P.NO.459/2001

CLOSED.

SD/- K.R.UDAYABHANU, JUDGE

23/10/2007

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K.R.UDAYABHANU, J.

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Crl.R.P.No.459 of 2001-A

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Dated this the 23rd day of October, 2007

O R D E R

The revision petitioner is the accused in C.C.No.1110/1997 with respect to the offence under Section 55(g) of the Abkari Act on the allegation that she was found carrying 12 litres of wash. The order challenged is the one dismissing the application of the accused to close the proceedings in view of the decision of the Supreme Court in **Raj Deo Sharma v. State of Bihar [1999(1) KLT 173]**. The court below dismissed the application on the ground that the period stipulated in the above decision was not over. I find that in view of the decision of the larger bench in **Ramachandra Rao v. State of Karnataka [2002 (2) KLT 189 (SC)]** the dictum in Raj Deo's case (op.cit) is no longer in force. Hence, I find that there is no merit in the revision petition filed. The criminal revision petition is liable to be dismissed; and I do so.

The accused/revision petitioner is directed to appear before the court below. The matter will stand posted before the court below on 30/11/2007.

K.R.UDAYABHANU,
Judge

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K.R.UDAYABHANU, J.

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Crl.R.P.No.459 of 2001-A

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O R D E R

23rd October, 2007